

## Message Text

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ORIGIN EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

      DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /027 R

DRAFTED BY EB/OA:MHSTYLES:VLV

APPROVED BY EB/AN:RABROWN

CAB - J.S.HORNEMAN

EA/IMS - A.R.DORNHEIM

----- 091451

R 132008Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA

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E.O. 11652: N/A

TAGS: EAIR, ID

SUBJECT: CIVAIR - US-INDONESIA CIVAIR NEGOTIATIONS

REF: (A) JAKARTA 1687; (B) JAKARTA 1512;  
C) JAKARTA 1344

1. SUGGESTIONS MADE IN PARA 10 REFTTEL A (EXCEPT ITEMS A AND B) ARE CONSISTENT WITH MODUS VIVENDI CONCEPT ADVANCED BY USDEL DURING TALKS. ALTHOUGH INDONESIAN DEL WAS NOT AUTHORIZED TO DISCUSS SUCH A PROPOSAL, DEPT SEES NO REASON WHY EMBASSY SHOULD NOT NOW PURSUE IT. A PROPOSED TEXT WAS DRAFTED BY USDEL AND WAS REPORTED IN REFTTEL C.

2. GIVEN RATHER TRUCULENT TONE OF SALIM'S REMARKS, IT MAY BE THAT THERE IS LITTLE PROSPECT OF GOI ACCEPTING MODUS VIVENDI. HOWEVER, AIRING OF ISSUES WHICH WOULD RESULT FROM MAKING SPECIFIC PROPOSAL MAY BE HELPFUL IN REMOVING SOME OF THE MISUNDERSTANDINGS WHICH SALIM HAS EXPRESSED, AS WELL AS PUTTING US IN POSTURE OF TRYING FIND A SOLUTION.

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3. DEPT SUGGESTS THAT US SHOULD NOT ACT UNDULY ALARMED OVER SALIM'S THREATS TO DENOUNCE AGREEMENT. IN FACT, THERE MAY BE SOME MERIT IN TAKING LINE THAT WE DO NOT QUESTION GOI'S LEGAL RIGHTS TO TERMINATE THE AGREEMENT WITH ONE

YEAR'S NOTICE (AS PROVIDED IN AGREEMENT) BUT THAT, UNTIL IT IS TERMINATED, GOI SHOULD LIVE UP TO ITS TERMS, PARTICULARLY ARTICLE 3 WHICH PROHIBITS UNILATERAL RESTRICTIONS ON SCHEDULES. AGREEMENT HAS BEEN EFFECTIVELY, IF NOT LEGALLY, DENOUNCED, SO LONG AS GOI CONTINUES VIOLATE AGREEMENT, BUT GOI AVOIDS THEREBY THE POSSIBLE POLITICAL ONUS OF FORMAL DENUNCIATION. BY FORCING GOI TO FOCUS ON LEGALITIES, WE MAY BE ABLE TO OBTAIN APPROVAL OF PAN AM SCHEDULE CHANGES. SINCE GARUDA CANNOT SERVE LOS ANGELES WITHOUT EITHER AMENDMENT OF AGREEMENT OR CONCLUSION OF SOME INTERGOVERNMENTAL ARRANGEMENT (SUCH AS MODUS VIVENDI) GOI GAINS NOTHING BY VIOLATING AGREEMENT (UNLESS, OF COURSE, IT IS WILLING GIVE UP OR DEFER GARUDA SERVICE TO U.S.).

4. ASSUME EMBASSY AWARE THAT FOLLOWING POINTS MADE BY SALIM ARE IN ERROR:

A. USDEL OFFERED GARUDA SAME NUMBER OF FREQUENCIES AS IT WAS ASKING FOR PAN AM, NAMELY, FOUR COMBINATION AND ONE ALL-CARGO. THESE NUMBERS WERE EXPRESSED IN TERMS OF NARROW-BODIED AIRCRAFT. THUS, IF GARUDA WANTED USE DC-10'S, IT COULD OPERATE ONLY TWO. SAME SUBSTITUTION RATIO WOULD APPLY TO PAN AM. INDODEL DID NOT OBJECT TO THIS SUBSTITUTION RATIO.

B. USDEL NEVER SAID IT WOULD TAKE ONE YEAR OR ANY OTHER PERIOD OF TIME TO OBTAIN PERMIT FROM CAB. IF PERMIT WAS PURSUANT BILATERAL AGREEMENT REACHED SOON, THERE SHOULD BE NO DIFFICULTY IN ISSUANCE BY TIME GARUDA SAID IT WANTS BEGIN SERVICE (AUGUST 1976). ONCE CAB ISSUES A PERMIT, IT IS NOT NECESSARY OBTAIN FURTHER APPROVALS FOR SCHEDULES CONSISTENT WITH PERMIT.

5. PREHEARING HELD FEB 9 ON GARUDA APPLICATION TO SERVE LIMITED OFFICIAL USE

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U.S., GARUDA UNABLE ADVISE LAW JUDGE WHEN IT WOULD BE AVAILABLE FOR HEARING. DEPT WILL KEEP EMBASSY INFORMED OF ANY DEVELOPMENTS RE APPLICATION.

6. AT RECENT LUNCHEON INDONESIAN EMBASSY ECONOMIC COUNSELOR INFERRED THAT SALIM'S FEB 2 PRESS CONFERENCE REFERENCE TO "HIGHER LEVEL" TO MEAN THAT GOI MIGHT SEEK TO INCLUDE CIVAIR MATTERS IN PLANNED WASHINGTON JOINT CON-

SULTATIONS. WOULD EMBASSY CONCUR IN THIS INTERPRETATION?  
WASHINGTON AGENCIES WOULD NOT LIKE TO SEE CIVAIR NEGOTIA-  
TIONS REVIEWED IN THIS FORUM. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AVIATION AGREEMENTS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE036313  
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**Document Unique ID:** 00  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 JAKARTA 1687, 76 JAKARTA 1512  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 24 MAY 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <24 MAY 2004 by greeneet>; APPROVED <01 JUL 2004 by morefirh>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR - US-INDONESIA CIVAIR NEGOTIATIONS  
**TAGS:** EAIR, ID, US, PANAM  
**To:** JAKARTA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006